

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JANUARY 13, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order and Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
William Seitz, Vice Chair
Ryan Thum, Secretary
Robert Miller, Member
John Tuttle, Member
Walt Haynes, Member
Malvin Wells, Member
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Zoning Technician
Jamie MacLean, Development Planner

Absent: Frank Lau, Member
David Moore, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

Mr. Rice opened the public address session. There being no speakers the public address session was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Tuttle, and unanimously carried the agenda was approved.

OLD BUSINESS:

Agriculture Accessory Use Ordinance Amendment

Ms. Jenkins stated possible changes to agriculture accessory uses in the zoning ordinance had been discussed during previous meetings. The Board of Supervisors requested that the Planning Commission review and make a recommendation regarding a possible amendment. The two issues for consideration is that the term premise is not currently defined and trailers are allowed as storage units in the county. A meeting was held with the Farm Bureau and following that meeting a proposed amendment was drafted in coordination with the county attorney as an attempt to resolve some of the issues. The term premise would include all leased or owned land utilized by the same farmer even if geographically separated. Since uses move from property to property screening is not an appropriate resolution. This proposed amendment has been shared with interested parties. Staff is requesting further directive from the Planning Commission on the proposed change to the definition of Agriculture.

Mr. Rice stated the proposed amendment would mean that the ordinance would be based on possession of property not ownership.

Ms. Jenkins noted the proposed definition of premise would apply only to agricultural accessory uses.

Mr. Seitz stated if the amendments were acceptable to the Farm Bureau, then the it would be appropriate to advertise for public hearing.

Mr. Haynes asked if the amendments would address the complainant issue.

Ms. Jenkins stated that the amendment would allow the trailers to remain; however, the structures would still have to meet the setback requirements.

It was the consensus of the planning commission to advertise the proposed amendment.

NEW BUSINESS:

2010 Liaison Appointments

Mr. Rice made the following liaison appointments:

- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – John Tuttle
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- David Moore
- Public Service Authority – Malvin Wells
- Parks & Recreation- Walt Haynes
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells

WORK SESSION:

On a motion by Mr. Haynes, seconded by Mr. Miller and unanimously carried the planning commission entered into work session

Zoning Ordinance Amendment Discussion

a. School of Special Instruction

Ms. Jenkins stated a citizen had submitted a request for a school of special instruction. The request is to allow a yoga class and search and rescue class to be taught on their property. The term is defined in the ordinance; however, is not allowed in any of the zoning districts. Staff has looked at the definition and feels it could be allowed by right in the General Business (GB) and Community Business (CB) zoning districts; however, a SUP should be required in the Agricultural (A1) district or other districts. A special use permit would give the board and the commission an opportunity to look at each request and its potential impacts.

Mr. Rice asked if a school of special instruction for yoga classes is granted by a special use permit could it later be converted to another type of instructional class.

Ms. Jenkins stated a condition could be applied to the SUP to prevent that problem from arising.

Mr. Thum noted certain types of schools of special instruction would need a large piece of land, for example the search and rescue training. Is it possible to add language to clarify the definition? In a business zoning district the use should be allowed by right; however, any other district should require a special use permit.

The Planning Commission advised staff to prepare amendment for hearing in Feb.

b. Birthing Center

Ms. Jenkins stated that a request to add "Birthing Center" to the ordinance definitions and zoning district(s) had been submitted to the Board of Supervisors; however, they have not given any recommendations as of this date. She presented copies of the APHA guidelines and possible definitions for a birthing center. The main questions are: Is this a use that should be defined and included in the ordinance? If so, what guidelines need to be included? She reviewed possible concerns that may need to be considered.

Mr. Thum stated this is a use that is emerging and the ordinance may need to include something to address the issue.

Mr. Haynes stated this is a complicated use. He noted that more discussion and research is necessary prior to proceeding with an amendment.

Mr. Miller discussed his concerns regarding distance to a medical facility, complicated vs. non-complicated pregnancies, etc. He noted that both local hospitals have attempted to create "birthing centers" that are home-like.

Mr. Rice stated any structure used as a birthing center would need to be readily accessible to emergency personnel.

Mr. Seitz stated the facility should be inspected by someone.

Mr. Muffo noted it would be important to discuss the issue with the Health Department. It will only take one death to create a problem.

The Planning Commission advised staff to further research the use. During the research process it would be necessary to discuss the issue with the Virginia Health Department and other licensing agencies that may have regulations pertaining to a birthing center.

On a motion by Mr. Seitz, seconded by Mr. Haynes and unanimously carried the planning commission closed the worksession.

There being no further business, the meeting was adjourned at 8:45 pm.